IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE FIRST DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 1819 of 2005

Between:

J. Suresh Kumar

..... PETITIONER

AND

1 The Chief General Manager, Telecom BSNL, Nampally Station Road, Hyderabad.
2 The General Manager, Telecom, BSNL, Medak Telecom District, Sangareddy.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue an appropriate writ order or direction, more particularly a writ in the nature of Mandamus declaring the at the petitioner is entitled to compassionate appointment as regular Mazdoor, if not in a higher post like officer Assistant despite the fact that he passed SSC.

Counsel for the Petitioner: MR.C.SURYANARAYANA

Counsel for the Respondents: MR.C.YADAGIRI

The Court at the admission stage made the following :

The Hon'ble Sri Justice

K.C. Bhanu

W.P. No. 1819 of 2005

O R D E R:

Challenging the proceedings dated 10.2.2005 issued by the respondents in rejecting the application of the petitioner for appointment on compassionate grounds, the present writ petition is filed.

The brief facts that are necessary for the disposal of the present writ petition may be stated as follows:

The father of the petitioner worked as Line Inspector, Telecom in Medak Telecom District. He took voluntary retirement on 25.8.2000 on invalidation grounds. Thereafter certain amounts were paid. According to the petitioner, his father performed the 1st daughter's marriage before retirement and next two daughters' marriage was performed after retirement. Substantial sum of his savings has been spent on the marriages. The petitioner gave a representation to the 1st respondent for compassionate appointment but no action has been taken and therefore another representation was given. Then the impugned order is passed. The petitioner states that his case is similarly situated with that of Syed Hussain who was given compassionate appointment. Hence the present writ petition.

Respondents 1 and 2 filed their counter affidavit stating that the petitioner's father is getting Rs.2,265/- per month as pension according to the pension rules. The petitioner has got the terminal benefits, namely, pension of Rs.3,611/-, D.C.R. Gratuity of Rs.1,06,893/-, G.P.F. Balance of Rs.1,351/-, Group Insurance of

Rs.14,148/- and Leave Encashment of Rs.36,837/-. The retired official is getting pension of Rs.3,611/- per month which is subject to increase for every rise in DA rates. The consideration of compassionate appointment defers from case to case and the petitioner cannot equate his case from others case. The High Level Committee having considered the case of the petitioner rejected the same. Hence, the respondents pray to dismiss the writ petition.

The petitioner filed a reply affidavit giving the details of the terminal benefits received by his father and also one Syed Hussain and the details of the service rendered by the petitioner's father and Syed Hussain. It is also stated that Syed Hussain got more monetary benefits than his father. Hence, he prays to allow the writ petition.

Learned counsel for the petitioner contended that all the terminal benefits were utilized for performing the marriages of the daughters of the petitioner's father and the family of the petitioner is in disposed condition; that the case of the petitioner has not been considered in right perspective by the High Level Committee; that the case of the petitioner is similarly situated to that of Syed Hussain whose son was appointed as Regular Mazdoor and hence prays to allow the writ petition.

On the other hand, learned standing counsel for the respondents contended that each case has to be decided on its own merits and one case cannot be taken for comparison and the High Level Committee has taken into consideration all the aspects and rejected the petitioner's case and hence there are no grounds to interfere with the impugned proceedings.

The factual matrix is not in dispute. It is will settled that employment on compassionate grounds is given only on purely humanitarian consideration and no appointment can be claimed as a matter of right. The main object is to provide immediate financial help to the family of the deceased employee. The father of the petitioner took retirement on medical invalidation through proceedings dated 30.4.2001. One year thereafter the petitioner made an application for appointment on compassionate grounds. At the time of retirement the petitioner's father received a total amount of Rs.2,83,388/- under various heads towards terminal benefits. The family of the retired employee consists of one son, three daughters and wife. Admittedly the marriage of the 1st daughter was performed during the service of the petitioner's father whereas the other two daughters' marriage was performed after retirement. Therefore there is a possibility of incurring substantial amounts for performing the marriages of the daughters of the father of the petitioner. The affidavit is silent with regard to the date of performance of other two daughters' marriage and the expenditure towards performing their marriages. Now the family consists of the mother and father of the petitioner and the petitioner, who is also a major. The father of the petitioner is getting a pension of Rs.3,611/- per month which is subject to increase for every rise in D.A. rates. The High Level Committee met on 24.1.2004 and considered the case of the petitioner for compassionate appointment duly taking into account the size of the family, the assets and liabilities of the retired employee, the ages of the children and rejected the same. The same is not shown to be perverse or contrary to the size of the family and assets and liabilities of the retired employee. The amount the father of the petitioner was drawing

towards pension, in my considered opinion, is sufficient for the maintenance of the family. It is not a case of distress in the family because of medical invalidation. After taking into consideration all the aspects, the High Level Committee rejected the case of the petitioner. The said rejection is not shown to have been contrary to the material particulars.

The other ground on which the petitioner challenges the impugned proceedings is that the similarly situated person is appointed as Regular Mazdoor on compassionate grounds, but the same cannot be taken for comparison for giving appointment on compassionate grounds. Each case has to be decided on its own merits depending upon the size of the family, assets and liabilities of the retired employees, ages of the children etc. Therefore, the case of the petitioner cannot be compared with the other person who was given appointment on compassionate grounds.

For the aforesaid reasons, the impugned proceedings do not suffer from any incurable legal infirmities so as to call for interference by this court.

The writ petition is totally devoid of merit and it is accordingly dismissed.

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K.C. Bhanu, J.

Date: --03—2005.

MVB.

..... REGISTRAR

// TRUE COPY //

SECTION OFFICER

To

1 The Chief General Manager, Telecom BSNL, Nampally Station Road, Hyderabad.
2 The General Manager, Telecom, BSNL, Medak Telecom District, Sangareddy.

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